

Entered - 05/02/02 - sb  
CL02L0318 - DIANNE C. MITCHELL

CLAIM OF: ATLANTA NEWSPAPER,  
through its insurance carrier,  
Sedgwick CMS  
P. O. Box 190670  
Atlanta, Georgia 31119-0110

02-*2*-1513

For damages alleged to have been sustained as a result of Workers  
Compensation benefits paid to its employee due to a fall on February  
4, 2002 on Fairlie Street.

THIS ADVERSE REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

APPROVED SEP 16 2002

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: *9/10/02*

CHAIR: *[Signature]*

*[Signature]*

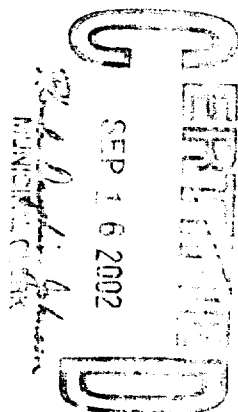
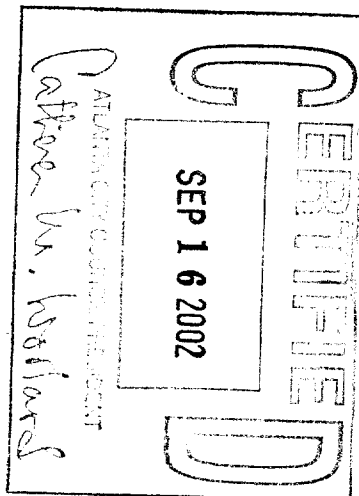
*[Signature]*

*C. T. Minto*

*[Signature]*

*[Signature]*

*[Signature]*





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

September 23, 2002

Sedgwick CMS  
Insurance Carrier  
Livy Rianao  
P. O. Box 190670  
Atlanta, GA 31119-0110

02-R-1513

RE: Atlanta Newspaper

Dear Mr. Rianao:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on September 16, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0318

Date: August 22, 2002

Claimant /Victim ATLANTA NEWSPAPER  
BY: (Ins. Co.) Sedgwick CMS  
Address: P. O. Box 190670, Atlanta, Georgia 31119-0110  
Subrogation: X Claim for Property damage \$                      Bodily Injury \$ Not Stated  
Date of Notice: 04/30/02 Method: Written, proper                      Improper                       
Conforms to Notice: O.C.G.A. §36-33-5                      Ante Litem (6 Mo.) X  
Date of Occurrence 02/04/02 Place: Fairlie Street  
Department Unknown Division:                       
Employee involved                      Disciplinary Action:                     

NATURE OF CLAIM: The claimant, through its insurance carrier, is attempting to recover Workers Compensation benefits paid to its employee, Hilda Hines, due to a fall. However, the claimant's insurance carrier has failed to provide information necessary to substantiate its claim. Furthermore, the claim as presented does not comply with the requirements of notice as set forth in the Official Code of GA. §36-33-5.

INVESTIGATION:

Statements: City employee                      Claimant                      Others                      Written                      Oral                       
Pictures                      Diagrams                      Reports: Police                      Dept Report                      Other                       
Traffic citations issued: City Driver                      Claimant Driver                       
Citation disposition: City Driver                      Claimant Driver                     

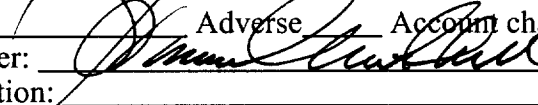
BASIS OF RECOMMENDATION:

Function: Governmental                      Ministerial                       
Improper Notice X More than Six Months                      Other                      Damages reasonable                       
City not involved                      Offer rejected                      Compromise settlement                       
Repair/replacement by Ins. Co.                      Repair/replacement by City Forces                       
Claimant Negligent                      City Negligent                      Joint                      Claim Abandoned X

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$                      Adverse                      Account charged: 1A01                      2J01                      2H01                      2P01                       
Claims Manager:  Concur/date 08-28-02  
Committee Action:                      Council Action

RCS# 3984  
9/16/02  
2:03 PM

Atlanta City Council

Regular Session

CONSENT I                      Pgs. 1-14; except 02-O-1591; 02-O-1592  
                                 02-R-1589; 02-R-1540; 02-R-1542  
                                 ADOPT

YEAS:    14  
NAYS:    0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT    1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	B Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

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**09/16/02 Council Meeting**

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**ITEMS ADOPTED ON CONSENT  
AGENDA****ITEMS ADVERSED  
ON CONSENT AGENDA**

- |               |               |               |
|---------------|---------------|---------------|
| 1. 02-O-1453  | 43. 02-R-1509 | 45. 02-R-1502 |
| 2. 02-O-1586  | 44. 02-R-1510 | 46. 02-R-1503 |
| 3. 02-O-1496  |               | 47. 02-R-1504 |
| 4. 02-O-1389  |               | 48. 02-R-1505 |
| 5. 02-O-1390  |               | 49. 02-R-1506 |
| 6. 02-O-0791  |               | 50. 02-R-1511 |
| 7. 02-O-1258  |               | 51. 02-R-1512 |
| 8. 02-O-1298  |               | 52. 02-R-1513 |
| 9. 02-O-1391  |               | 53. 02-R-1514 |
| 10. 02-O-1395 |               | 54. 02-R-1515 |
| 11. 02-O-1450 |               | 55. 02-R-1516 |
| 12. 02-R-1535 |               | 56. 02-R-1517 |
| 13. 02-R-1541 |               | 57. 02-R-1518 |
| 14. 02-R-1546 |               | 58. 02-R-1519 |
| 15. 02-R-1526 |               | 59. 02-R-1520 |
| 16. 02-R-1527 |               | 60. 02-R-1521 |
| 17. 02-R-1528 |               | 61. 02-R-1522 |
| 18. 02-R-1529 |               | 62. 02-R-1523 |
| 19. 02-R-1530 |               | 63. 02-R-1524 |
| 20. 02-R-1531 |               | 64. 02-R-1525 |
| 21. 02-R-1532 |               |               |
| 22. 02-R-1560 |               |               |
| 23. 02-R-1561 |               |               |
| 24. 02-R-1615 |               |               |
| 25. 02-R-1563 |               |               |
| 26. 02-R-1564 |               |               |
| 27. 02-R-1565 |               |               |
| 28. 02-R-1566 |               |               |
| 29. 02-R-1568 |               |               |
| 30. 02-R-1569 |               |               |
| 31. 02-R-1570 |               |               |
| 32. 02-R-1572 |               |               |
| 33. 02-R-1573 |               |               |
| 34. 02-R-1574 |               |               |
| 35. 02-R-1487 |               |               |
| 36. 02-R-1533 |               |               |
| 37. 02-R-1557 |               |               |
| 38. 02-R-1558 |               |               |
| 39. 02-R-1559 |               |               |
| 40. 02-R-1616 |               |               |
| 41. 02-R-1507 |               |               |
| 42. 02-R-1508 |               |               |

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Consent I Vote: 14Yeas; 0 Nays (See RCS #3984)

Items Removed from Consent: 02-O-1591; 02-O-1592; 02-R-1589; 02-O-1540; 02-R-1542